

PTO/SB/21 (05-03)

Approved for use through 04/30/2003. OMB 0651-0031

U.S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

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<b>TRANSMITTAL FORM</b> <i>(to be used for all correspondence after initial filing)</i>	Application Number	10/728,946	
	Filing Date	December 8, 2003	
	First Named Inventor	Norman ABOOD	
	Art Unit	TBA	
	Examiner Name	TBA	
Total Number of Pages in This Submission	10	Attorney Docket Number	161765.00003

ENCLOSURES (check all that apply)				
<input type="checkbox"/> Fee Transmittal Form  <input type="checkbox"/> Fee Attached  <input type="checkbox"/> Amendment / Response  <input type="checkbox"/> After Final  <input type="checkbox"/> Affidavits/declaration(s)  <input type="checkbox"/> Extension of Time Request  <input type="checkbox"/> Express Abandonment Request  <input checked="" type="checkbox"/> Information Disclosure Statement  <input type="checkbox"/> Certified Copy of Priority Document(s)  <input type="checkbox"/> Response to Missing Parts/ Incomplete Application  <input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Assignment Papers (for an Application)  <input type="checkbox"/> Drawing(s)  <input type="checkbox"/> Licensing-related Papers  <input type="checkbox"/> Petition  <input type="checkbox"/> Petition to Convert to a Provisional Application  <input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address  <input type="checkbox"/> Terminal Disclaimer  <input type="checkbox"/> Request for Refund  <input type="checkbox"/> CD, Number of CD(s) _____	<input type="checkbox"/> After Allowance Communication to Group  <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences  <input type="checkbox"/> Appeal Communication to Group (Appeal Notice, Brief, Reply Brief)  <input type="checkbox"/> Proprietary Information  <input type="checkbox"/> Status Letter  <input checked="" type="checkbox"/> Other Enclosure(s) (please identify below):  <b>International Search Report</b>		
<table border="1"><tr><td>Remarks</td><td></td></tr></table>			Remarks	
Remarks				

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT	
Firm or Individual name	Susan A. Wolfe, Reg. No. 33,568
Signature	
Date	March 8, 2004

CERTIFICATE OF MAILING			
I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below.			
Typed or printed name			
Signature		Date	

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. **SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.



PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Re Application of: )  
Norman ABOOD, *et al.* )  
Serial No. 10/728,946 )  
Filed: December 8, 2003 ) Group Art Unit: Unassigned  
For: 2-AMINO-BENZOXAZINONES FOR THE ) Examiner: Unassigned  
TREATMENT OF VIRAL INFECTIONS )

**INFORMATION DISCLOSURE STATEMENT**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

This Information Disclosure Statement is submitted for consideration by the United States Patent and Trademark Office in accordance with the duty of disclosure. A copy of each of the references listed therein were submitted in the parent application Serial No. 10/035,433. It is respectfully requested that the Examiner make his/her consideration of each of these documents formally of record.

Transmitted herewith is:

- ☒ [X] A PTO 1449 form
- ☐ [ ] A Background Art Information Paper
- ☐ [ ] A copy of each item of information listed on the PTO 1449 form
- ☐ [ ] Concise explanation of non-English language information
  - ☐ [ ] concise explanation of relevance:
  - ☐ [ ] English translation of foreign language information
  - ☒ [X] English language version of foreign patent office report citing information
  - ☐ [ ] English language abstract(s) of foreign patent document(s)
- ☐ [ ] This application relies, under 35 U.S.C. §120, on the earlier filing date of U.S. Application Serial No. \*\*\*\*, filed \*\*\*. The information identified on the attached PTO 1449 form was submitted to and/or cited by the Patent and Trademark Office in this earlier application and, therefore, copies are not required to be provided in this

application.

☒ Copy of foreign patent office report

☐ English language version of foreign patent office report

1. ☒ This Information Disclosure Statement is filed before the later of:

☒ three months from the filing date of this application;

☐ three months from the date of entry of the national stage as set forth in 37 CFR 1.491 in an international application; or

☐ the mailing date of a first office action on the merits.

In accordance with 37 CFR 1.97(b), no fee is required.

2. ☐ This Information Disclosure Statement is filed after the events noted in paragraph 1, but before either:

☐ a final action under 37 CFR 1.113, or an action that otherwise closes prosecution,

☐ a Notice of Allowance under 37 CFR 1.311.

In accordance with 37 CFR 1.97(c), also enclosed is

☐ a fee under 37 CFR 1.17(p) for \$180.00; or

☐ a certification as stated below.

3. ☐ This Information Disclosure Statement is filed before payment of the issue fee, but after either

☐ a final action under 37 CFR 1.113, or an action that otherwise closes prosecution;

☐ a Notice of Allowance under 37 CFR 1.311.

In accordance with 37 CFR 1.97(d), also enclosed is:

☐ a certification, as stated below; and

☐ the IDS processing fee set forth in 37 CFR 1.17(p)(1) in the amount of \$180.00.

#### Certification

The undersigned states:

☒ Items of Information contained in this Information Disclosure Statement were cited in a communication from a foreign Patent Office in a counterpart foreign application; and

☒ Items of Information contained in the Information Disclosure Statement were cited in a communication from the U.S. Patent and Trademark Office in related case Serial No.: 10/035,433.

☐ No item of information contained in this Information Disclosure Statement was first cited in any communication from a foreign Patent Office in a counterpart foreign application or, to the knowledge of the undersigned, having made reasonable inquiry, was known to any individual designated in 37 CFR 1.56(c) more than three months prior to the filing date of this Information Disclosure Statement.

**TOTAL FEES:**           \$ 0.00

☐ A check for the amount of the above indicated TOTAL FEES is attached.

☐ Please charge Deposit Account No. 19-0733 in the amount of \$ .

☐ A check for \$ is enclosed.

☒ No fee is required.

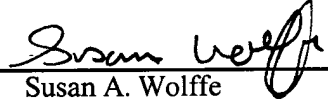
☐ Please charge or credit Deposit Account No. 19-0733 for an deficiency or overpayment associated with this Information Disclosure Statement.

A duplicate copy of this sheet is enclosed for accounting purposes.

It is respectfully requested that the Examiner fully consider each item of information, initial the enclosed Form PTO-1449 in the appropriate place to indicate that the information has been considered, and return a copy of the initialed form to the undersigned in accordance with MPEP Section 609.

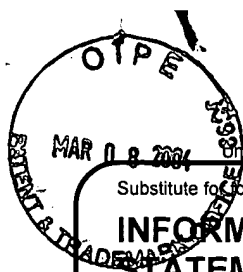
Respectfully submitted,

BANNER & WITCOFF, LTD.

By:   
Susan A. Wolffe  
Registration No. 33,568

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Dated: March 8, 2004



Substitute for form 1449A/PTO

**INFORMATION DISCLOSURE  
STATEMENT BY APPLICANT**

(use as many sheets as necessary)

Sheet 1

of

2

**Complete if Known**

Application Number	10/728,946
Filing Date	December 8, 2003
First Named Inventor	Norman ABOOD
Group Art Unit	TBA
Examiner Name	TBA
Attorney Docket Number	161765.00003

**U.S. PATENT DOCUMENTS**

Examiner Initials *	Cite No. <sup>1</sup>	Document Number	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		Number - Kind Code <sup>2</sup> (if known)			
		US-3,450,700	06/1969	A.A.R. Sayigh et al.	
		US-4,657,893	04/1987	A. Krantz, et al	
		US-5,652,237	7/1997	Augelli-Szafran et al.	
		US-5,985,872	11/1999	Abood et al.	
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**FOREIGN PATENT DOCUMENTS**

Examiner Initials *	Cite No. <sup>1</sup>	Foreign Patent Document	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear	T <sup>6</sup>
		Country Code <sup>3</sup> - Number <sup>4</sup> - Kind Code <sup>5</sup> (if known)				
		EP, A 0 466 944	01/1992	Teijin, Ltd.		
		EP, A, 0 317 645	05/1989	Teijin, Ltd		
		DE, A, 23 15 303	10/1974	Bayer, AG		
		WO, A, 96 07648	03/1996	Warner-Lambert Co.		

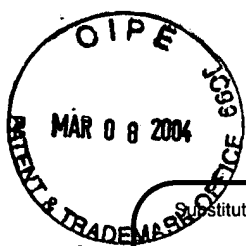
Examiner  
SignatureDate  
Considered

\*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

<sup>1</sup> Applicant's unique citation designation number (optional). <sup>2</sup> See Kinds Codes of USPTO Patent Documents at [www.uspto.gov](http://www.uspto.gov) or MPEP 901.04.

<sup>3</sup> Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). <sup>4</sup> For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. <sup>5</sup> Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST. 16 if possible. <sup>6</sup> Applicant is to place a check mark here if English language Translation is attached.

Burden Hour Statement: This form is estimated to take 2.0 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Washington, DC 20231.



PTO/SB/08B(10-01)

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**INFORMATION DISCLOSURE  
STATEMENT BY APPLICANT**

(use as many sheets as necessary)

Sheet 2 of 2

**Complete if Known**

Application Number	10/728,946
Filing Date	December 8, 2003
First Named Inventor	Norman ABOOD
Group Art Unit	TBA
Examiner Name	TBA
Attorney Docket Number	161765.00003

**OTHER PRIOR ART -- NON PATENT LITERATURE DOCUMENTS**

Examiner Initials *	Cite No. <sup>1</sup>	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.	T <sup>2</sup>
		Augelli-Szafran et al., Chemical Abstracts, Vo. 125:86657, 1996	
		Krantz et al., Chemical Abstracts, Vol. 108:94573, 1988	
		Garin et al., Chemical Abstracts, Vol. 88:88143, 1983*	
		David et al., Chemical Abstracts, Vol. 82:16851, 1975*	

Examiner Signature		Date Considered	
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\*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

<sup>1</sup> Unique citation designation number (optional). <sup>2</sup> Applicant is to place a check mark here if English language Translation is attached.

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\* Copies of these two chemical abstracts should be available in the parent application Serial No.: 09/502,038